

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

William A. Newsom

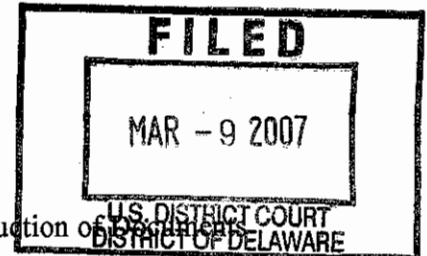
Plaintiff,

v.

Stanley W. Taylor, et al.

Defendant.

Civil Action No. 05-673 GMS



Motion to Deny Defendants Request for Extension of Time for Production of Documents

Now comes the plaintiff, William A. Newsom, pro se, respectfully requesting that this *BO scanned* honorable court deny the request for a sixty (60) extension of time for the defendants First Correctional Medical to respond to plaintiffs request for production of documents and interrogatories, and furthermore request that this honorable court review and grant the plaintiffs motion for default judgement that was filed with this honorable court on February 7, 2007 for the following reasons:

1. Plaintiff filed a motion to stay proceedings on August 14, 2006. on August 28, 2006 an order was issued to stay proceedings until December 1, 2006.
2. Plaintiff filed a motion to lift the stay of proceedings on November 17, 2006.
3. Although prematurely without intention, the plaintiff filed a motion requesting discovery from defendants on December 18, 2006 and a motion for interrogatories on December 9, 2006. The court did not lift the stay of proceedings until December 19, 2006.
4. It is the plaintiffs belief that although motions were filed prematurely, the defendants still had an obligation to respond to plaintiffs request within the time frames of the Federal Rules

of Civil Procedure from the date the order was granted to lift the stay of proceedings, which occurred on December 19, 2006.

5. Pursuant to Rule 26 of Fed.R.Civ.P., the defendants had thirty (30) days to respond to plaintiffs request for production of documents and failed to do so. Under Rule 26, no provisions are made for the defendants to not produce documents just because they have not fully completed their investigation or because their clients are out of state.

6. Pursuant to Rule 33 of Fed.R.Civ.P., section (b)(3) of Rule 33 clearly states that defendants had an obligation to serve a copy of their answers to plaintiffs interrogatories within thirty (30) days of being served, which would have started on December 19, 2006 when the stay of proceedings was lifted. The defendants failed to do so.

7. No order was ever issued by the court granting an extension to answer plaintiffs request for production of documents or interrogatories pursuant to Rule 29 of Fed.R.Civ.P.

8. When discovery and interrogatories were not provided to plaintiff after serving the defendants, plaintiff subsequently file a motion for default judgement on February 7, 2007.

Wherefore, the plaintiff objects to the defendants request for an extension of time to produce discovery and answers to interrogatories.

Plaintiff also respectfully requests that this honorable court not show any bias or favoritism, and review and make a ruling on plaintiffs motion for default judgement based on its merits and the defendants failure to comply with the Federal Rules of Civil Procedure.

Submitted this 7 day of March, 2007.

William A. Newsom

William A. Newsom SBI#257317
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977

Certificate of Service

I, William A. Newsom hereby certify that I have served a true and correct cop(ies) of the attached Motion To Deny Defendants Request for Extension of Time for Production of Documents Upon the following parties/persons:

To: U.S. District Court
844 N.King Street
Lockbox 18
Wilmington, Delaware
19801

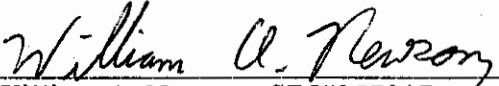
To: Eileen Kelly, Dep. Attny. Gen.
Carvel State Building
820 N. French Street
Wilmington, Delaware
19801

To: Daniel L. McKenty, esq.
Dana Spring Monzo, esq.
1225 N. King St., Suite 1100
P.O. Box 397
Wilmington, Delaware 19899

To:

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this 7 day of March, 2007



William A. Newsom SBI#257317